

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MIDAS FUND, INC.,

Plaintiff,

-against-

GAMMON GOLD, INC., FRED GEORGE,
BRADLEY LANGILLE, RUSSELL
BARWICK, COLIN SUTHERLAND, BMO
NESBITT BURNS INC., SCOTIA
CAPITAL INC., and TD SECURITIES INC.,

Defendants.

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Index No. 07 CV 6707 (NRB)

**RULE 7.1 DISCLOSURE
STATEMENT**

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possibly disqualification or recusal, the undersigned counsel for defendant Scotia Capital Inc. ("Scotia Capital") (a private non-governmental party), certifies that Scotia Capital is indirectly wholly owned by The Bank of Nova Scotia, a public company. No other publicly held corporation owns a 10% or more interest in Scotia Capital.

Dated: December 21, 2007
New York, New York

FULBRIGHT & JAWORSKI L.L.P.
Attorneys for Defendant Scotia Capital Inc.

By: /s/ Philip M. Smith
Daniel R. Murdock (DM 1498)
Philip M. Smith (PS 8132)

666 Fifth Avenue
New York, NY 10103
psmith@fulbright.com
(212) 318-3000